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Written statement* submitted by the Ecumenical Federation of Constantinopolitans, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The consequences of non-recognition of legal status of non-Muslim minorities in the Republic of Turkey

The Lausanne Treaty of 1923 which was instrumental in the international recognition of the newly established Republic of Turkey, in its second Chapter, went to a great length to establish and guarantee the status of non-Muslim minorities in Turkey and uphold their rights. Quite predictably the essential clause in this Chapter has to do with the right of the minorities to be able to manage their religious and public welfare foundations such as churches, hospitals, schools, cemeteries etc. Consequently the administrations of these foundations must be elected by the members of the Minority community. During the period after the Lausanne Treaty in many cases successful Governments of the Republic of Turkey intervened against the clauses of Lausanne Treaty such as abolishing illegally the Minority Council (1925), prohibiting elections in the Minority foundation councils and appointing a single administrator during the years (1936-1950), prohibiting elections during (1969-2003) and abolishing the Coordination Bodies supervising the Minority foundations (1962). The worst violation occurred in 1974, after a politically motivated ruling of the Higher Cassation Court of Turkey, the Government stipulated that all real estate and legally registered properties in the name of non-Muslim Minority foundations during the period 1936-1974 should be confiscated by the State based on the spurious argument that: "although the minority members hold citizenship of Republic of Turkey, at the same time they are also foreigners". This argument can be characterized a legal coup d'état.

Furthermore the Republic of Turkey does not recognize the legal status of religious authorities of the non-Muslim Minorities, such as the case of the Ecumenical Patriarchate of the Eastern Christian Orthodox Church, which after the 4th Ecumenical Synod held in Chalcedon (today Kadikoy) in 451 A.D. obtained the above mentioned status. The non-recognition of the legal status of the Ecumenical Patriarchate leads to severe obstacles in the Patriarchate's ability to carry out its spiritual duties as a global focal point of more than 300 Million members of Orthodox-Christian people.

Despite the fact that, during the period of the years 2003-2012 the present government of Turkey took measures to ease the problems being faced by the Minority foundations, such as allowing elections and the return of some of the appropriated real estate properties, there are still serious pending problems, such as only 16% of the appropriated real estate properties were returned, and in the case of few foundations no elections are carried out, a situation which is tolerated by the government. This is despite the existence of legal measures which states that Minority foundations should renew their administration, through elections, every four years. The worst case is the largest Greek-Orthodox Foundation Balikli Hospital and Elderly People's Care Home. In Balikli Foundation the present administration has been in office from 1991, following an appointment by that time Government of the Republic of Turkey rather than holding elections. The Government appointee has denied the obligation to carry out elections the last 10 years, while the Supervisory state authorities, the General Directorate of Welfare Foundation, remains inactive towards this illegal behavior.

There has been a very disturbing development one year ago (January 2013) when the General Directorate of Welfare Foundation abolished the Election Regulation of the Minority foundations, without replacing with a new regulation or even keeping in force the old one, until the new regulation to be placed in force. This means that for an indefinite time period elections cannot be held in Minority foundations.

All the above-mentioned problems are directly linked with the lack of legal recognition of the Minorities (restricting the legal recognition only to welfare foundations) and leads to serious problems related to religious and cultural rights. In this respect the government of Turkey is asked to proceed with necessary reforms by issuing new regulations for elections at the Minority foundations taking into account the submitted proposals by the Minorities. Moreover it should allow the establishment of coordinating bodies between welfare foundations, return of real estate properties to their legal owners the Minority foundations and above all they must recognize the legal status of the Ecumenical Patriarchate and the other religious authorities of the other Minority groups.